

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Dec 06, 2022**

SEAN F. MCAVOY, CLERK

U.S.A. vs. Updyke, Aaron Phelan Docket No. 0980 1:22CR02016-SAB-1

**Petition for Action on Conditions of Pretrial Release**

COMES NOW Linda J. Leavitt, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant, Aaron Phelan Updyke, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge James P. Hutton, sitting in the court at Yakima, Washington, on the 27th day of April 2022, under the following conditions:

Special Condition #2 (ECF 39): Abstain totally from the use of alcohol.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 27, 2022, Mr. Updyke was released from custody to reside in the District of Oregon. On May 3, 2022, the conditions of pretrial supervision were reviewed and signed by Mr. Updyke, acknowledging an understanding of his conditions.

On October 12, 2022, Mr. Updyke signed a modification of his pretrial conditions of release, adding four special conditions (ECF 39).

Violation #1: Mr. Updyke is alleged to be in violation of his pretrial release by consuming alcohol on November 29, 2022.

On December 6, 2022, this officer received an email from the supervising probation officer in the District of Oregon advising on December 1, 2022, Mr. Updyke submitted a random urine sample. Laboratory results from Best Care in the District of Oregon were received December 5, 2022, reflecting a positive reading for ethyl glucuronide (alcohol); above the cut off limit of 1000 ng/mL. According to the supervising probation officer, he made telephone contact with Mr. Updyke on December 6, 2022, and Mr. Updyke admitted he consumed one to two beers on November 29, 2022. To be noted, the urine sample was collected on December 1, 2022, and Mr. Updyke admitted to consuming one to two beers 2 days prior on November 29, 2022.

PRAYING THAT THE COURT WILL ORDER A WARRANT

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I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: December 6, 2022

by s/Linda J. Leavitt

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Linda J. Leavitt  
U.S. Pretrial Services Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



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Signature of Judicial Officer

December 6, 2022

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Date